

**San Dimas Municipal Code
(Excerpts)**

Title 18: ZONING

Chapter 18.162: TREE PRESERVATION

18.162.010 Purpose.

The purpose of this chapter is to preserve and protect the mature significant trees, as well as other trees which are determined to be desirable, growing within the city.

Such trees are natural aesthetic resources which help define the character of the city and are worthy of protection in order to preserve the natural environment and to protect the city's native plant life heritage for the benefit of all citizens.

Mature significant trees, and other desirable trees, are unique because of their size and beauty, and their abundance adds distinction and character to the natural beauty of the community.

It is pertinent to the welfare and safety of all citizens of the city that such trees be protected from indiscriminate cutting or removal, for conservation purposes, as well as for the preservation of the natural beauty which such trees lend to the city.

It is the intent of this chapter that the design concerns of a development should address preservation of the most desirable and significant of the existing healthy trees and the developer is encouraged to utilize creative land planning techniques to achieve this goal. (Ord. 913 § 1 (Exh. A), 1990)

18.162.020 Definitions.

For purposes of this chapter the following definitions shall apply:

A. Mature Significant Tree.

A mature significant tree shall refer to any tree within the city of an oak genus which measures eight inches or more in trunk diameter and/or any other species of trees which measure ten inches or more in trunk diameter and/or a multi-trunk tree(s) having a total circumference of thirty-eight inches or more; the multi-trunk tree shall include at least one trunk with a diameter of a minimum of four inches.

The trunk diameter shall be measured at a point thirty-six inches above the ground at the base of the tree.

B. **"Remove"** includes any act which will cause a mature significant tree to die, including but not limited to acts which inflict damage upon the root system or other parts of the tree by fire, cutting, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

C. **"Undeveloped property,"** for the purposes of this chapter, refers to any parcel or parcels of land which does not contain physical man-made improvements, and may be improved in conformance with the applicable development standards of the zoning classification where the property is located. Undeveloped property shall also refer to any parcel or parcels of land which may or may not contain improvements and on which development

applications including, but not limited to, development plan review board, variance, zone change and subdivision, have been submitted.

D. “**Developed property**,” for the purposes of this chapter, refers to property which has been improved with structures, buildings, surface materials, landscaping and similar improvements in accordance with all city ordinances. (Ord. 913 § 1 (Exh. A), 1990)

18.162.030 Permits required—Undeveloped property.

A tree removal permit is required. No issuance of any grading or building permits or commencement of work shall be allowed on undeveloped property prior to the approval of a permit. No mature significant tree which conforms to the standards and definitions of this chapter shall be removed or relocated without obtaining the written approval of the director of development services. An application to remove or relocate a mature significant tree shall include the following information as determined as necessary by the director of development services:

- A. A written statement indicating the reason for the removal or relocation of tree(s);
- B. The location of all trees on the site, including those to be removed, shall be identified on a plan or map indicating species, trunk diameter, height, tree spread, drip line, and health;
- C. Photographs of the proposed trees to be removed or relocated shall be included;
- D. A written technical report from a certified arborist regarding proposed trees, when necessary;
- E. Any other information as deemed necessary by the director of development services;
- F. The application shall be accompanied by a fee in an amount as established by resolution of the city council;
- G. The development plan review board, and the planning commission as applicable, may determine that trees on the project site not defined as mature significant trees by Section 18.162.020(A) are desirable to retain. In such case, the provisions of this chapter shall apply;
- H. Where possible, application shall be submitted with the development application and should be in conjunction with a tree preservation maintenance agreement. An application for a permit, variance, zone change or tentative map for a subdivision, including a minor land division and/or a proposed development plan shall be concurrently filed with an application for a tree removal permit as set forth in accordance with this chapter. (Ord. 1165 § 1, 2006)

18.162.040 Review required—Developed property.

Mature significant trees may be removed from developed property with the approval of the director of development services or development plan review board, subject to the following procedures:

- A. Requests to remove or relocate up to, but not exceeding, three mature significant trees may be approved by the director of development services pursuant to the following information:

1. A written statement indicating the reason for the removal or relocation of tree(s);
2. The location of all trees on the site, including those to be removed, shall be identified on a plan or map indicating species and trunk diameter;
3. Photographs of the proposed trees to be removed or relocated shall be included;
4. Action by the director of development services is subject to findings provided for in Section 18.162.070 of this chapter;
5. When, in the sole opinion of the director of development services, circumstances are such that removal of three or fewer trees might have an adverse impact on other properties in the area of the proposed tree removal, the director of development services may refer the matter to the development plan review board.

B. Requests to remove or relocate more than three mature significant trees may be approved by the development review board pursuant to the following information:

1. A written statement indicating the reason for the removal or relocation of tree(s);
2. The location of all trees on the site, including those to be removed, shall be identified on a plan or map indicating species and trunk diameter;
3. Photographs of the proposed trees to be removed or relocated shall be included;
4. Action by the director of development services is subject to findings provided for in Section 18.162.070 of this chapter.

C. The development plan review board, and the planning commission as applicable, may determine that trees on the project site not defined as mature significant trees by Section 18.162.020(A) are desirable to retain. In such case, the provisions of this chapter shall apply. (Ord. 1165 § 2, 2006)

18.162.060 Conditions imposed.

An approval to remove or relocate mature significant trees by the director of development services or the development plan review board are subject to conditions of approval as deemed necessary to implement the provisions of this chapter including, but not limited to:

- A. Tree relocation and/or two for one replacement with minimum fifteen-gallon box tree(s), or other replacement of equivalent value and size, within the subject property. The two for one replacement ratio may be reduced as determined by the final decision making body, if a minimum of one of the following additional findings are made:
1. The reduced replacement requirement is consistent with the purposes of this chapter.
 2. The tree(s) in question are located where the impact of the tree removal on the community is limited (such as trees in a generally flat portion of the rear yard of a single-family house that are deemed to have less public benefit).

3. The property in question has an adequate number of existing trees therefore a reduced replacement ratio is appropriate.
- B. When on-site features, project constraints, and/or other considerations exist which prevent reasonable on-site relocation, relocation to an approved off-site location shall be permitted.
- C. If said conditions are imposed, the owner will be responsible for all replacement and relocated trees for a minimum period of two years. If during this time the tree(s) is (are) declared unhealthy by a certified arborist as set forth in Section 18.162.090, the diseased trees shall be removed and replaced at the cost of the applicant, as set forth in Section 18.162.100.
- D. A maintenance agreement shall be submitted by the applicant and established for each replaced and relocated tree. The maintenance agreement and maintenance responsibility shall be transferred with the sale of the property if title to the property is transferred within the specified maintenance period. (Ord. 1165 § 4, 2006)

18.162.070 Required findings.

The granting of a permit for the removal or relocation of mature significant trees shall be subject to a minimum of one of the following findings as they pertain to the specific property:

- A. The condition of the mature significant tree(s) with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services warrant removal of the tree;
- B. It is reasonable to remove the tree because of its continued existence at the location prevents the reasonable development of the subject property;
- C. Removal of the tree will not create a negative impact on the topography of the land, erosion, soil retention, and will not contribute to the diversion or increased flow of surface waters;
- D. Based on the number of trees in the neighborhood on surrounding properties or on the site, and the effect of tree removal upon enjoyment of the residents and the general public, and on property values in the area;
- E. The tree removal is consistent with good forestry practices, such as the number of healthy trees which a given parcel of land will support. (Ord. 1165 § 5, 2006)

18.162.080 Exceptions.

All trees should be protected, but there are a few cases where this chapter does not apply and they are as follows:

- A. Trees planted, grown, and/or held for sale by licensed nurseries and/or tree farms or the removal or transplanting of such trees pursuant to the operation of licensed nursery and/or tree farm;
- B. Trees within existing or proposed public right-of-way where their removal or relocation is necessary to obtain adequate line-of-site distances as required by the city engineer;

- C. Trees which, in the opinion of the city engineer, will cause damage to existing public improvements;
- D. Trees which require maintenance or removal action for the protection of existing electrical power or communication lines or other property of a public utility;
- E. Trees damaged by thunderstorms, windstorms, flood, earthquakes, fire, widespread organic disease or insect infestation, or other natural disasters and determined to be dangerous by a peace officer, fireman, civil defense official or code enforcement officer in their official capacity;
- F. Minor trimming and/or pruning of trees on developed property within the scope of typical and reasonable tree maintenance;
- G. Trees declared to be dead, diseased or dying, subject to the requirements of Section 18.162.090;
- H. Fruit trees, including citrus, plum, nectarine, cherry, apricot, peach, pear, pomegranate, persimmon, loquat, fig, avocado and other species determined similar by the director of development services. (Ord. 1165 § 6, 2006; Ord. 913 § 1 (Exh. A), 1990)

18.162.090 Verification of dead, diseased or dying trees.

The health of any mature significant tree declared to be dead, diseased or dying shall, prior to removal, be verified by a written report of a certified arborist, horticulturist or other qualified person. (Ord. 913 § 1 (Exh. A), 1990)

18.162.100 Tree maintenance.

The careful management of trees has become an ever increasing factor in the health and care of mature significant trees. When mature significant trees are located on designated scenic or open space areas, the owner of the property shall be exempt from this section. When mature significant trees are located on developed property, whether remaining trees, relocated trees, or new trees planted to replace those removed, the owner of the property shall maintain the trees to preserve and protect their health in accordance with the following measures:

- A. The maintenance of trees standing upon private property shall be the responsibility of the owner(s) of those properties.
- B. Trees shall be pruned, treated and maintained in such a fashion that the trees will be free of various damage, pests, disease and dead branches. The trees shall be in good biological and aesthetic condition.
- C. Where applicable, a bond or cash deposit as determined by the director of development services shall be furnished by the developer for the management and protection of each existing, replanted or relocated tree(s). Said bond or cash deposit shall be refunded upon the successful completion of a tree maintenance program as required by the director of development services.
- D. Any tree removal and/or replacement permit granted by the director of development services pursuant to Section 18.162.030 and the development plan review board pursuant to

Section 18.162.050 shall include a condition requiring an objectively observable maintenance and care program to be initiated to insure the continued health and care of mature significant tree(s) on the property. Such program shall specify length of maintenance program, maintenance plan and method of inspection. Said tree maintenance program and plan is not required of the applicant when trees are to be relocated to an approved off-site location pursuant to the provisions of this chapter. (Ord. 1165 § 7, 2006; Ord. 913 § 1 (Exh. A), 1990)

18.162.110 Protection of existing trees.

Care shall be exercised by all individuals, developers and contractors working near mature significant trees to be preserved so that no damage occurs to the trees. All construction shall preserve and protect the health of trees to remain in place, to be relocated, and new trees planted to replace those removed and any trees adjacent to the subject property in accordance with the following measures:

- A. All trees to be saved shall be enclosed by an appropriate construction barrier, such as chain link fence or other means acceptable to the director of development services, prior to the issuance of any grading or building or building permit and prior to commencement of work. Fences are to remain in place during all phases of construction and may not be removed without the written consent of the director of development services, until construction is complete;
- B. Any tree which is adjacent to the subject property and may be potentially impacted by persons or activity on the subject property shall be protected pursuant to the provisions of Section 18.162.110. It shall be the responsibility of the agent of the subject property to obtain the written permission from adjacent property owners prior to action for the protection of trees on adjacent property as required by Section 18.162.110;
- C. No substantial disruption or removal of the structural or absorptive roots of any tree shall be performed;
- D. No fill material shall be placed within the drip line of any tree;
- E. No construction, including structures and walls, that disrupts the root system shall be permitted. As a guideline, no cutting of roots should occur within the drip line of the tree as measured at ground level. Actual setbacks may vary to meet the needs of individual tree species as determined by an arborist or landscape architect. Where some root removal is necessary, the tree crown may require thinning to prevent wind damage;
- F. Topping and/or severe pruning of trees that results in significant damage to the tree to the point that reasonable future growth may be limited, as determined by a Certified Arborist, shall constitute a tree removal and is subject to the penalties outlined in Section 18.162.130; and
- G. The director of development services may impose such additional measures determined necessary to preserve and protect the health of trees to remain on site. (Ord. 1165 § 8, 2006)

18.162.120 Appeals.

Appeals shall be in accordance with Chapter 18.212 of this title. (Ord. 913 § 1 (Exh. A), 1990)

18.162.130 Penalties.

Violation of any provision of this chapter, or of any provision of any permit issued pursuant to this chapter shall be a misdemeanor punishable as follows:

- A. Fines shall be set forth in accordance with Section 1.12.010 of this code. Each tree removed in violation of this chapter shall constitute a separate offense.
- B. As set forth in Section 18.162.010, it is the intent of this chapter to preserve to the greatest extent possible those trees which have contributed to the beauty of the city and the welfare of its residents. It is therefore the expressed intent of the city council that, to the extent legally permissible, upon conviction of any person pursuant to subsection A of this section, in lieu of incarceration, conditions of probation be placed upon such violator requiring the replacement of each tree removed in violation of this chapter with up to four trees of a similar species of not less than a twenty-four inch box size, or other replacement of equivalent value and size, whichever is greater. The number, size and location of the equivalent replacement tree shall be determined by the director of development services. For the purpose of this section, a suitable location may include an off-site location.
- C. Notwithstanding any other provision of law, no development permit of any kind, including but not limited to, any building permit or certificate of occupancy, shall be issued for any lot on which one or more trees have been removed in violation of the provisions of this chapter, or any permit issued pursuant to this chapter, unless and until the owner of such lot has replaced each such tree, to an on-site or off-site location pursuant to the provisions of this section, with up to four trees of a similar species of not less than twenty-four inch box size, or of equivalent value and size, whichever is greater, or provided security satisfactory to the director of development services that such trees will be planted at such time as determined by the director. (Ord. 1165 § 9, 2006)